

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

REMARKS

This Amendment is responsive to the Office Action dated July 5, 2001. In that Action, the Examiner rejected claims 17, 18, 20-22, 25 and 27 under 35 U.S.C. §102(b) as being anticipated by Lichon. Claims 17, 19, 21 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Carlson. Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lichon. Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lichon in view of Helm. Claims 18 and 26 were also rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses the Examiner's rejections.

Claim 24 was objected to but indicated to contain allowable subject matter if rewritten in independent form.

Claims 1-16 are allowed.

Claims 17, 18, 22, 23, 26 and 27 have been amended. Claims 28-33 have been added. No new matter has been inserted. In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the claims 1-33 remain pending in the application.

The claims have been amended to overcome all Section 112 rejections.

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the following:

(a) Support for substituting "secured to" or "attached to" for "associated with" in claims 17-27 is found throughout the disclosure and in the drawings, such as, but not limited to, Col. 2, lines 28-31 and Figures 2-4 and 8-10.

(b) Support for the "front half portion" of the body member or gasoline tank being closest to the front area of the motorcycle is found at least at Col. 2, lines 31-37 and through common knowledge of the attachment point of conventional motorcycle gasoline tanks to the motorcycle frame.

(c) Support for the "illumination member" having a reflective element is found throughout the disclosure and in the drawings, such as, but not limited to, Col. 2, lines 31-34; Col. 6, lines 52-55 and Figure 7.

Claims 17-27 have been amended to state that the illumination member is attached to or secured to the gasoline tank shaped body member. Lichon fails to disclose or teach this structure. Certain claims have also been amended to state that the attachment of the illumination member to the body member is such that light from the

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

illumination member is directed away from the body member/gasoline tank and to illuminate the ground area surrounding or adjacent to the motorcycle. Neither of the relied on references teach this feature. Additionally, certain claims have been amended to state that at least a portion of the illumination member is attached or secured to a front half portion of the body member/gasoline tank. Both references fail to teach this structural attachment point. Carlson requires a low intensity light bulb attached at the back of the gasoline tank directing light through a light pipe directly into a transparent gasoline tank. The low intensity bulb is required to avoid distraction to the rider while driving and, thus, would not provide enough light to illuminate the surroundings. Additionally, neither of the references show an illumination member having a reflective element as claimed in certain of the newly added claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the current rejections.

Applicant has completely responded to the Office Action dated July 5, 2001.


In order to facilitate prosecution of this application, the

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

Examiner is respectfully requested to contact the undersigned with any comments or suggestions the Examiner may have.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,
Malin, Haley & DiMaggio, P.A.

By 
Daniel S. Polley #34,902
1936 South Andrews Avenue
Ft. Lauderdale, FL 33316
(954) 763-3303

I:\8688\AMEND\6808(4thAmend-Entered-RCE)